

R277-488 WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION ON JUNE 1, 2012. THE AMENDED RULE IS PUBLISHED IN THE JULY 1, 2012 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF AUGUST 7, 2012.

**R277. Education, Administration.**

**R277-488. Critical Languages Program.**

**R277-488-1. Definitions.**

A. "ACTFL OPI" means the American Council of Teachers of Foreign Language Oral Proficiency Interview which is an oral test, ~~[both written and verbal,]~~ offered at most Utah colleges and universities.

B. "Board" means the Utah State Board of Education.

C. "Credentialed international teacher" means a teacher sponsored under a separate Memoranda of Understanding between the USOE and China, Spain~~[-or]~~, Mexico, France or Taiwan. The Memoranda of Understanding are hereby incorporated by reference. Sponsored teachers shall satisfy all conditions of the Memoranda of Understanding prior to working with Utah students.

D. "Critical languages" means those languages described under Section 53A-15-104(1).

E. "Critical ~~[t]~~ Languages ~~[p]~~ Program" means the ~~[enhanced EDNET]~~ program ~~[and the international teacher exchange program as defined and funded]~~ described under Section 53A-15-104.

F. "Dual language immersion" means a distinctive dual language education program in which native English speakers and active speakers of another language are integrated for academic content.

G. Dual language immersion instructional models are:

(1) "One-way" immersion is a program in which a student population consists of English language speakers with limited to no proficiency in the foreign immersion language. In such a model, less than 30 percent of the students have a native language other than English.

(2) "Two-way" immersion is a program in which a student population consists of a majority of English language speakers and a minority of language speakers other than English with dominance in their first language and home language support for this language. A 1:1 ratio is ideally maintained for these two language groups, but a minimum of one-third of each language group (such as 2:1 ratio) is required.

~~[H. "EDNET" means the state's two way interactive system for video and audio, delivered and available to students in the state's public education system, as defined under Section 53A-15-104(2).~~

~~I. "Electronic High School" means the state's electronic high school program explained in Section 53A-17a-131.15 and R277-725.~~

~~J. "Foreign exchange student" means a student sponsored by an~~

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~~agency approved by the school district's local school board or charter school's governing board, subject to the limitations of Section 53A-2-206(2).~~

~~K. "Language facilitator" means a paraprofessional or licensed educator who is fluent in the critical language being taught by EDNET and who is designated to participate in the Critical Languages Program established under Section 53A-15-104.]~~

[H]. "Secondary school" means grades 7-12 in whatever schools the grade levels exist.

[I]. "USOE" means the Utah State Office of Education.

### **R277-488-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, by Section 53A-15-104 which directs the State Superintendent of Public Instruction and the Board to ~~[establish, administer]~~ track, monitor, and may expand the Critical Languages Program ~~[and authorizes the creation of a Dual Language Immersion Pilot Program]~~ and dual immersion programs subject to student interest and available funding, and by Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to establish criteria and procedures for distributing funds to secondary schools participating in the Critical Languages Program and funds to elementary schools participating in the Dual Language~~[-Pilot]~~ Program. The intent of this appropriation is to increase the number of students who reach proficiency in a critical language as well as build overall foreign language capacity in the state of Utah and to increase the number of biliterate and bilingual students.

### **R277-488-3. Critical Language Program Requirements.**

A. A secondary school that desires to ~~[participate in the~~ offer critical ~~languages~~ languages ~~[Program (enhanced EDNET,]~~ [traditional instruction or visiting guest teacher program] shall submit an application, provided by the USOE and available each ~~[March 14]~~ April 1 to the USOE no later than ~~[April 14]~~ May 1.

B. The application shall designate:

(1) ~~[a specific available classroom within the school district or charter school for EDNET access, traditional instruction or instruction by identified credentialed visiting guest teacher]~~

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~~teaching under a USOE/foreign country Memorandum of Understanding]~~the name of the school district or charter school;

(2) a plan and procedure~~[-in place]~~ to notify students and parents of the ~~[availability of at least one critical language course identified in]~~names of the critical language(s) that will support the dual language immersion continuation into secondary schools consistent with Section 53A-15-104(1);

~~[(3) for schools using enhanced EDNET delivery, a qualified language facilitator hired and available to students who:~~

~~— (a) is fluent in the critical language being taught;~~

~~— (b) has established his fluency by receiving a score of intermediate high or higher on an ACTFL OPI test or USOE-approved equivalent;~~

~~— (c) is qualified as a paraprofessional under R277-524; or~~

~~— (d) is a Utah licensed educator; and~~

~~— (e) has completed a criminal background check including review of identified offenses by the school district or charter school.]~~

~~[(4)]~~3) requirements for the visiting guest teacher exchange program:

(a) programs shall operate under a Memorandum of Understanding between the USOE and the country providing qualified guest teachers;

(b) international teacher expenses shall be paid as provided by the designated Memorandum of Understanding;

(c) all other conditions provided by individual Memoranda of Understanding shall be satisfied.

C. Schools applying for either the~~[-enhanced EDNET,]~~ traditional instruction or the visiting guest teacher program shall ~~[provide identified materials,]~~use materials identified and recommended by the USOE including texts and consumables, purchased with funds appropriated by the Legislature.

#### **R277-488-4. Dual Language Immersion~~[-Pilot]~~ Program Requirements.**

~~[A. The program shall provide funding for a planning year in 2008-09 with classes to begin in 2009-10.~~

~~B. The program shall provide funds beginning July 1, 2008 as an incentive to 15 qualifying schools to develop dual language programs for the following languages:~~

~~— (1) Chinese (6);~~

~~— (2) Spanish (6);~~

~~— (3) French (2);~~

~~— (4) Navajo (1).]~~

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A. The program shall provide funds July 1 of each fiscal year the Legislature continues to provide funding for the program. The Dual Language Immersion programs shall support the following foreign languages:

- (1) Chinese;
- (2) French;
- (3) Portuguese; and
- (4) Spanish.

~~[C]B.~~ B. An elementary school that desires to participate in the Dual Language Immersion~~[Pilot]~~ Program ~~[(either one-way or two-way)]~~ shall submit an application, provided by the USOE and available annually by April 14 to the USOE by May 14.

~~[D. Schools/school districts may request funding for no more than two additional pilot sites.]~~

~~[E]C.~~ C. The application shall provide for an immersion model that uses 50 percent of instruction in English and 50 percent of instruction in another language including:

(1) an identified, instructional model (one-way or two-way), and language choice (Chinese, ~~[Spanish,~~ French, ~~[or Navajo]~~ Portuguese or Spanish);

(2) beginning the instructional model in kindergarten, grade 1 or both, and adding an additional grade each year; and

(3) a plan and procedure in place to notify students and parents of the availability of at least one dual language immersion course identified in Section 53A-15-104(1).

~~[F]D.~~ D. Priority in funding shall be given to schools in school districts or charter schools that do not currently teach the requested language choice; and

(a) demonstrate adequate local funding and infrastructure to begin a~~[pilot]~~ program or expand existing programs;

(b) demonstrate community interest and students committed and prepared to participate in a new or expanded~~[pilot]~~ program, including prepared instructors for the program;

(c) have adequate interest, resources, and infrastructure, but do not presently have a program under R277-488;

(d) have a demonstrated community need for improved or expanded foreign language instruction in a specific school or community; and

(e) allow~~[pilot]~~ language programs to include all languages identified in Section 53A-15-105.

~~[G]E.~~ E. Schools shall hire qualified language teachers ~~[for students]~~ who:

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(1) have a world language endorsement in the language of instruction (Chinese, [~~Spanish,~~] French[~~-or Navajo~~]), Portuguese or Spanish for a one-way dual language immersion program[~~-or a bilingual endorsement~~] and a Dual Language Immersion endorsement in the language of instruction (Chinese, [~~Spanish,~~] French[~~-or Navajo~~]), Portuguese or Spanish for both a one-way and two-way dual language immersion program;

(2) are Utah licensed elementary or secondary educators; and

(3) have completed a criminal background check, including review of identified offenses by the USOE.

#### **R277-488-5. USOE Responsibilities and Funds.**

A. Applications for the expanded Critical Languages Program and Dual Immersion[~~Pilot~~] Program shall be provided by the USOE.

B. Secondary and elementary schools shall be selected for funding for both programs based on an evaluation of applications by a USOE-designated committee which shall include statewide experts.

C. Awards shall be made to individual[~~-secondary or elementary~~] schools and funds allocated to school districts and charter schools to be fully distributed to designated schools.

D. Each secondary school selected for funding shall receive a base allocation per critical language offered at the school, designated in Section 53A-15-104(6)(a).

E. Each elementary school selected for funding shall receive a base allocation per dual language immersion offered at the elementary school, designated in Section 53A-15-104(6)(a).

~~[F. Each secondary school selected for funding shall receive a supplemental allocation designated in Section 53A-15-104(6)(b).~~

~~(1) School districts and charter schools approved for participation under this rule shall receive funds for students who complete a critical language course with a grade of C or better by June 15;~~

~~(2) Secondary schools shall receive additional funding for foreign exchange students enrolled in a high school who complete a critical language course, as designated in Section 53A-15-104(6)(c) and consistent with R277-612.~~

~~G. Based on available funds, secondary and elementary schools shall receive six years of ongoing funding.]~~

~~[H]~~F. New [S]schools eligible for funding shall be notified by the USOE by June 1 annually and shall receive funds in the subsequent fiscal year.

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**R277-488-6. Evaluation and Reports.**

A. Each[~~secondary or elementary~~] school selected for funding shall be required to submit an annual evaluation report to the USOE consistent with Section 53A-15-104.

B. The USOE may request additional data from secondary or elementary schools that receive funding.

**KEY: critical languages, dual language immersion**

**Date of Enactment or Last Substantive Amendment: [~~July 8, 2008~~]2012**

**Notice of Continuation: June 15, 2012**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-15-104; 53A-1-401(3)**